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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,694	11/10/1999	KENICHI NAGAWASA	B208-346 DIV	8328

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EXAMINER
NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
2615	24

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/437,694	NAGAWASA ET AL.	
	Examiner	Art Unit	
	HUY T NGUYEN	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 38-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not subscribe a converter that converts the third digital information data to fourth digital information data by combining the third digital information data , wherein the third digital information data obtained by encoding first digital information data by an encoder as being recited in claims 38 and 43. .

The specification does not describe that fourth digital is inputted with a amount less than the first digital information for a predetermined period of time as being recited in claim 42. Further it s noted that claim 39 recites that the first digital information and fourth digital information having the same bit rate.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 38 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Enari et al (4,862,292).

Regarding claims 38 and 41-43, Enari discloses a coding apparatus (Fig. 1, columns 2 and 3) comprising means for coding first data and second data and for recording the coded first data and second data on a recording medium (column 1, lines 45-60) comprising:

Input means (10A) for selectively input the first digital information (information of one channel in two channel recording mode , column 6, lines 4-29) of N bits per sample and second digital information (in standard mode , column 3) of N bits per sample , encoding means (16 A, 18A) for converting the first digital information to third digital information of M bits per sample (N/2) and converting mean (20) for converting third digital information to fourth digital information of N bits by combining the digital information ; and error correction means (26) for error- correcting second digital information or fourth digital information by adding check code to the second digital information or forth digital information (column 3, lines 45-55).

Applicant argues that neither references teach " a converter or converting step that enable an error correction process to be executed with respect to two digital information data where one sample of one digital information is expressed with different number of bits than one sample of other two digital information." In response it is noted that applicants argument is not reflected the claims since nowhere do claims recite that the error correction process is executed for samples of two digital information that a sample of one of two digital information having a number of bits different from a sample of other digital information . Further it is noted that applicant argument does is not supported and described in the specification.

Applicant further argues the reference fails to teach that the third data is converted into fourth digital information by combining the third digital information . IN response it is noted that Enari teaches the fourth digital information obtained by combining the third digital information by using the composition means (20) Further , it is noted that applicant argument is not supported by the specification .

5. Claims 38 and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (4,513,327).

Regarding claims 38 and 41-43, Takahashi discloses a coding apparatus (Fig. 1) comprises :

Input means (14) for selectively input the first digital information (column 6, lines 1-25) of N bits per sample and second digital information (column 7, lines 60-65) of N bits per sample , encoding means for converting the first digital information to third digital information of M bits per sample ($M \neq N$) (column 8, lines 5-20) and

converting mean for converting third digital information to fourth digital information of N bits (column 8 lines 20-25); error correction means (Fig. 8) for error- correcting second digital information or fourth digital information by adding check code to the second digital information or forth digital information (Fig.8); and means for recording the digital information on a recording medium 29 (column 9, lines 45-50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enari et al (4,862,292) in view of Coleman , Jr (4,468,708) .

Regarding claim 39, Enari fails to teach that the encoder is a different pulse code modulation. However, it is noted that coding a signal with a different pulse code modulation is well known in the art as taught by Coleman . Therefore, it would have been obvious to one of ordinary skill in the art to modify Enari by modify the encoder of Enari with a differential pulse code modulation as taught by Coleman as an alternative method of encoding the first digital data.

8. Claims 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enari et al (4,862,292) in view Yoshimura (5,012,352).

Regarding claim 40, Enari further teaches that the second digital information is a video signal but fails to specifically teach that t the video signal is multiplexed with audio signal. However, it is noted that a video signal that is multiplexed with audio signal is well known in the art as taught by Yoshimura. Therefore it would have been obvious to of ordinary skill the art to provide the video signal, which is multiplexed with an audio signal thereby enhancing the capability of the apparatus of Enari for handling audio data.

9. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al in view of Coleman , Jr (4,468,708) .

Regarding claim 39, Takahashi further teaches that the encoder comprise a pulse code modulation (column 8, lines 10-12) but fails to teach that the encoder is a different pulse code modulation. However, it is noted that coding a signal with a different

pulse code modulation is well known in the art as taught by Coleman . Therefore, it would have been obvious to one of ordinary skill in the art to modify Takahashi with Coleman by modify the encoder of Takahashi with a differential pulse code modulation as taught by Coleman as an alternative method of encoding the first digital data.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al in view of Masuda et al (3,865,973).

Regarding claim 40, Takahashi further teaches that the second digital information is a video signal but fails to specifically teach that the video signal is multiplexed with audio signal. However, it is noted that a video signal that is multiplexed with audio signal is well known in the art as taught by Masuda. Therefore it would have been obvious to of ordinary skill the art to provide the video signal, which is multiplexed with an audio signal thereby enhancing the capability of the apparatus of Takahashi for handling received audio data.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 TECH CENTER customer service whose telephone number is (703) 306-0377.

H.N
July 13, 2003

HUY NGUYEN
PRIMARY EXAMINER